

REMARKS

Claim to Priority

The claim to priority is deleted. The specification is amended to delete the reference to the prior application, and a replacement Application Data Sheet with no priority claim is attached.

Claim Rejections – 35 USC §112

Claims 1-30 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are amended to overcome this rejection. Regarding claim 16, support maybe found throughout the specification, e.g., at page 4, line 18.

Claim Rejections – 35 USC §102

Claims 1-30 are rejected (to the extent understood) under 35 U.S.C. §102(a) as being fully met by Ito, U.S. Patent Publication No. 2003/0121401 (“Ito”). Applicant traverses this rejection.

Claim 1 is amended to recite that the musical apparatus may be configured to act as either a master or a slave in a network. Support for this limitation can be found throughout the specification, for example, at page 11, lines 11-14. In contrast, Ito only discloses a system in which one component is permanently designated as a master. See paragraph [0053], lines 3-7. Ito does not disclose an apparatus that may be reconfigured as either a master or a slave. For at least this reason, claim 1 is not anticipated by Ito, nor are claims 2-10 which depend from claim 1 and recite additional novel features that are not taught or suggested by the prior art.

Claim 17 is amended to recite that the first device is configurable as either a master or a slave. Claim 25 is amended to recite firmware to alternatively configure the article to act as a master or as a slave. For at least the reasons discussed above with respect to claim 1, claims 17 and 25 are not anticipated by Ito, nor are claims 18-20 and 26 which depend from claims 17 and 25 and recite additional novel features that are not taught or suggested by the prior art.

Claim 11 is amended to recite that at least two of the apparatus include mixing mechanisms. Support for this limitation can be found throughout the specification, for example,

at page 13, lines 1-4. Ito only discloses a system in which only one apparatus on the network has a mixer. For at least this reason, claim 11 is not anticipated by Ito, nor are claims 12-16 and 31 which depend from claim 11 and recite additional novel features that are not taught or suggested by the prior art.

Claim 21 is amended to recite that at least two of the musical devices have an audio score mixing mechanism. Claim 27 has always recited plural musical apparatus, each having a mixing mechanism. For at least the reasons discussed above with respect to claim 11, claims 21 and 27 are not anticipated by Ito, nor are claims 22-24 and 28-30 which depend from claims 21 and 27 and recite additional novel features that are not taught or suggested by the prior art.


Conclusion

Applicant requests reconsideration in view of the foregoing remarks. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case. Applicant's representative can frequently be reached at (503) 880-3613 outside of normal office hours.

Customer No. 32231

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.


Joseph S. Makuch
Reg. No. 39,286

MARGER JOHNSON & McCOLLOM, P.C.
210 SW Morrison Street, Suite 400
Portland, OR 97204
(503) 222-3613